Minutes
State Election Commission Meeting
September 21, 2010

The State Election Commission meeting was called to order by Chairman Tom DuBois at 11:10 a.m. central time, September 21, 2010. The following members and staff were present: Commissioners Blackburn, DuBois, Head, Wallace, and Wheeler, Coordinator of Elections Mark Goins, Beth Henry-Robertson, Assistant Coordinator of Elections and Kathy Summers, Elections Specialist.

Motion was made, seconded and unanimously approved to adopt the minutes from the regularly scheduled meeting held on August 17, 2010.

Pursuant to T.C.A. § § 2-12-101 and 2-12-106, motion was made, seconded and unanimously approved to accept the nominations for county election commission appointments as submitted and to leave the nomination process open until close of business, 4:30 p.m. central time, Wednesday, September 22, 2010. **(For appointments made see attached list.)**

Old Business

Chairman DuBois requested Coordinator Goins to discuss Rutherford and Hawkins County Election Commissions' failure to be open for voting on the first Saturday of early voting during the August State Primary and County General Election.

Coordinator Goins stated the reason for discussion at this meeting is to determine if there will be a disciplinary hearing. In 2009, all Administrators of Election were provided a timeframe reference manual. The reference manual details the dates for voting early including Saturday voting. The election calendar was posted on the elections training site and on the Secretary of State – Elections Division website in November 2009.

Coordinator Goins recommended a show cause hearing for February 2011, to either decertify or otherwise discipline the Administrator of Elections. At issue would be early voting hours for the August election and the security of equipment and voter information during elections (TCA § 2-6-104(c)).

Those present from Hawkins County Election Commission were as follows:
- Patricia Lumpkins, Administrator of Elections
- John Ray Clemmons – Attorney for Mrs. Lumpkins
- Tina Crownover – Hawkins County Election Commission Democratic Member – Secretary

- Luke Lee – Hawkins County Election Commission Republican Member

Attorney John Ray Clemmons spoke on behalf of Mrs. Lumpkins.

Motion was made, seconded and unanimously approved to require the Hawkins County Election Administrator and the Hawkins County Election Commissioners to appear at a show cause hearing on February 15, 2011. (Time was not determined.)

Chairman DuBois requested Coordinator Goins discuss the issues regarding Rutherford County and their failure to be open on July 17, 2010 for early voting.

- Coordinator Goins recommended a show cause hearing for Rutherford County Election Commission.

Tom Walker, the chairman of the Rutherford County Election Commission, spoke to State Election Commissioners. According to Mr. Walker a list of dates, prepared by Mr. Penuel, was voted on by the county election commissioners. No commissioners questioned this list as prepared. Chairman Walker stated that Hooper Penuel made him aware of the error on the same day as the State Coordinator's office notified the county. Mr. Walker also pointed out the county held more than the minimum number of hours required for early voting under the current code and that there was no contest of election filed in Rutherford County. Chairman Walker requested the State Election Commissioners to delay having a show cause hearing on this matter. The Chairman believes all issues will be resolved prior to the next State Election Commission.

Attorney John Ray Clemmons spoke on behalf of Mr. Penuel and he agreed the parties should work things out prior to the next State Election Commission meeting.

Motion was made, seconded and unanimously approved to delay action on a show cause hearing for the Rutherford County Election Administrator and the Rutherford County Election Commission. State Election Commissioners want to give the parties time to agree on matters. If there is no agreement, the State Election Commission will review the matter at their next commission meeting.
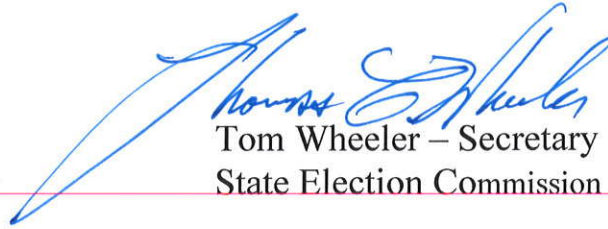
New Business
- **Viewing of voting machines in NY** - Coordinator Goins, Secretary Hargett, Chairman DuBois and Commissioner Blackburn viewed voting machines for Dominion and ES&S in New York on September 14, 2010. Coordinator Goins passed out articles on the New York elections.

The next regularly scheduled meeting will be October 19, 2010.

Motion was made to adjourn, and there being no further business to come before the commission at this time, the meeting was adjourned.

Respectfully submitted,

Tom Wheeler – Secretary
State Election Commission

Vacant Status

Hamilton

D   Tom Wheeler
R   Judy Blackburn

R

Monroe

D   Tom Wheeler
R   Judy Blackburn

R

Total Vacancies: 2

New Appointment Status

Appointment

Hamilton   D Tom Wheeler / R Judy Blackburn

        R   Ruth H. Braly   9/22/2010

Total New Commissioners: 1

2-12-101. Commissioners — Appointment — Removal — Legal representation. —

(a) The state election commission shall appoint, on the first Monday in April of each odd-numbered year, five (5) election commissioners for each county, for terms of two (2) years and until their successors are appointed and qualified. The five (5) commissioners shall be the county election commission.

(b) The state election commission shall remove a commissioner who becomes unqualified and may remove or otherwise discipline a commissioner for cause.

(c) County election commissions shall be represented in legal proceedings as follows:

   (1) If the legal proceeding names the county election commissioners as defendants and the lawsuit involves a municipal election, the municipality concerned shall furnish counsel to represent the commissioners;

   (2) If the election involved in the legal proceedings is that of a county election, the county shall furnish counsel for the commissioners and if the election involved in the legal proceedings attacks a state law or presents a question concerning a state or federal election, the attorney general and reporter shall represent the commissioners either by the attorney general and reporter's own staff or by such counsel as the attorney general and reporter may designate;

   (3) The counsel furnished, whether by municipality or county, shall be that chosen by the election commission; and

   (4) If, in order to properly discharge its duties, the county election commission has to bring legal action against a county or municipality, the compensation for the commission's legal representation shall be borne by the county or municipality as the case may be.

(d) The county election commission created by this section is the immediate successor to the commissioners of elections for each county. Wherever in the Tennessee Code the commissioners of elections for counties are referred to, the term "county election commission" shall be substituted.
[Acts 1972, ch. 740, §§ 1, 7; 1974, ch. 535, § 1; 1979, ch. 316, § 3; T.C.A., § 2-1201; Acts 1980, ch. 609, § 6; 1993, ch. 208, § 2.]

2-11-202(a)(18)(C)

In addition to the penalties set forth in subdivision (a)(18)(B), if, in the opinion of the state election commission, an administrator fails to substantially perform the duties of the office, the state election commission may revoke the certification of such administrator or otherwise discipline the administrator. In all such cases, the administrator being charged shall be given a hearing before the state election commission. If, after the hearing, the state election commission votes to revoke the certification, such commission shall cause to be notified the state official responsible for authorizing payments to counties pursuant to § 2-12-209, of such revocation and payments to that county shall terminate;

[Acts 1972, ch. 740, § 1; 1976, ch. 511, §§ 1, 2; 1978, ch. 940, § 2; 1979, ch. 316, § 5; 1979, ch. 317, § 2; T.C.A., § 2-1112; Acts 1981, ch. 256, § 1; 1981, ch. 345, § 6; 1981, ch. 478, §§ 1, 19; 1982, ch. 631, § 2; 1984, ch. 636, § 3; 1984, ch. 703, §§ 1-3; 1985, ch. 132, § 2; 1986, ch. 930, §§ 3, 4, 7; 1990, ch. 1024, § 5; 1993, ch. 208, § 1; 2000, ch. 756, § 18.]

2-6-103. County election commission office hours. —

(a) (1) The county election commission office shall be open a minimum of three (3) consecutive hours each weekday including Saturdays between the hours of eight o'clock a.m. (8:00 a.m.) and six o'clock p.m. (6:00 p.m.) prevailing time during the period provided to apply to vote early. For a municipality with a population of less than five thousand (5,000) according to the 1990 federal census or any subsequent federal census, the municipal governing body may determine the Saturday schedule of early voting for municipal elections.

(2) If the proper notice under subsection (c) is made, a county election commission may close its office on a state holiday during the period established for early voting.

(b) (1) On at least three (3) days during the early voting period for those offices listed in § 2-13-202, or for any state or federal election, the county election commission office shall remain open between four-thirty p.m. (4:30 p.m.) and seven o'clock p.m. (7:00 p.m.), and on at least one (1) Saturday during the same period the office shall be open from eight o'clock a.m. (8:00 a.m.) to four o'clock p.m. (4:00 p.m.). The county election commission shall determine the appropriate dates for both late and regular hours at the commission office. The provisions of this subsection (b) shall apply only to those counties with a population in excess of one hundred fifty thousand (150,000) according to the 1970 census.

(2) In counties affected by this subsection (b), the provisions of this subsection (b) shall also apply to municipal elections for the principal municipality of the county. For such municipal elections, the municipal governing body and the county election commission shall jointly determine the appropriate dates for additional hours. The municipality shall be responsible for the costs of such additional hours.

(c) Notice of the office hours shall be given by the county election commission not less than twenty-five (25) days prior to the day of election by publication in a newspaper of general circulation.
[Acts 1972, ch. 740, § 1; 1979, ch. 228, § 1; T.C.A., § 2-603; Acts 1985, ch. 238, §§ 1-4; 1994, ch. 859, §§ 2, 12; 1996, ch. 1028, § 1; 2009, ch. 218, § 2.]

2-12-201. Employment of election administrators and clerical assistants. —

(a) Except as provided in subsection (b), the commission shall appoint an administrator of elections who shall be the chief administrative officer of the commission and who shall be responsible for the daily operations of the office and the execution of all elections. These duties include, but are not limited to, the following:

(1) Employment of all office personnel; registrars at large may not employ, except in the event of an emergency, members of the county election commission, or spouses, parents, siblings or children of commission members as clerical assistants, absentee voting deputies, poll officials or as members of the absentee counting board, however, upon adoption of a resolution by a two-thirds (2/3) vote of the county legislative body of any county having a population of not less than fifteen thousand nine hundred (15,900) nor more than sixteen thousand two hundred (16,200) according to the 1990 federal census or any subsequent federal census, such relatives may be employed to work on election day and during the early voting period in such county if the county election commission unanimously approves their employment, and members of the county election commission may be employed to work during the early voting period in such county to supervise the activities of those persons employed to work during such period; nor may they hire after July 1, 1999, their spouse, parents, siblings or children as full-time or part-time clerical assistants, deputies, or as members of the absentee counting board;

(2) Preparation of the annual operating budget and submission of same to the election commission for approval;

(3) Upon approval by the county election commission, presentation of the annual budget to the county commission or other legislative body for funding;

(4) Requisition and purchase of any supplies necessary for the operation of the election commission office and the conduct of all elections;

(5) Maintenance of voter registration files, campaign disclosure records, and any other records required by this title;

(6) Conducting of instruction class for poll workers or designation of another qualified person to conduct such class;

(7) Preparation of all notices for publication required by this title;

(8) Preparation and maintenance of all fiscal records necessary for the daily operation of the election commission office and all elections. This may include any requests for funding or changes in funding, if necessary, after adoption of the current fiscal budget;

(9) Compilation, maintenance and dissemination of information to the public, the candidates, the voters, the press and all inquiring parties in regard to all aspects of the electoral process on all governmental levels;

(10) Promotion of the electoral process through supplemental registrations, public functions, press releases and media advertising whenever possible;

(11) Attendance at any required seminar and other educational seminars, as funding permits, to gain knowledge beneficial to the administration of the election commission office or to the electoral process;

(12) Having knowledge of all current laws pertaining to the election process and any changes mandated by the general assembly, and apprising the election commission, office staff, candidates, the press and the public in general of this information;

(13) Assistance in the planning and implementation of any plan of apportionment or reapportionment of any governmental entity involved in the electoral process; and

(14) The county election commissioners may not employ themselves or any of their spouses, parents, siblings, in-laws or children as administrator.

(b) In any county having a population of not less than eight hundred twenty-five thousand (825,000) nor more than eight hundred thirty thousand (830,000) according to the 1990 federal census or any subsequent federal census:

(1) The county election commission shall employ an administrator and such clerical assistants and may incur such expenses as may be necessary to perform the duties required by this title;

(2) County election commissioners may not employ themselves or the spouse, parent, brother, sister, or children of any of them as administrators or clerical assistants under this section;

(3) The commission may appoint regular clerical assistants as deputy; and

(4) The commission may use volunteers only as clerical assistants but may not appoint them as deputy.
[Acts 1972, ch. 740, § 1; T.C.A., § 2-1209; Acts 1993, ch. 518, §§ 3, 21; 1999, ch. 197, § 12; 1999, ch. 232, § 1.]

September 14, 2010

Commissioner Jimmy Wallace
Division of Elections
312 Rosa L. Parks Ave
9th Floor, Snodgrass Tower
Nashville, TN 37243

Commissioner Wallace,

Please allow me to introduce myself. My name is Vickie McElwain and I am a deputy registrar in Hawkins County. Unfortunately I find myself on the outer fringe of the lawsuit that is currently taking place in our fair county. The Republican election commissioner voted in August 2009 to fire me and replace me with their prospective choice for the administrator job. (See attached newspaper article.) I am the Republican position opposite of Patricia Lumpkins' Democratic position in the office dynamics. Shortly after this meeting, Commissioner Tina Crownover assured me that if Ms. Lumpkins was replaced with a Republican she would have no choice but to push to have me replaced with a Democrat to keep the office dynamics even. This has created a very stressful hostile environment for me to work in and my doctor has prescribed me anti-anxiety medication to deal with the stress.

Yet even in this hostile environment Ms. Lumpkins shines. She treats each person who comes into our office with respect and dignity, no matter their politics. She is straight-forward with everyone and does not waiver on any issue involving state law. If it's the law, it's the law. She will not twist or turn it for anyone. If she is not sure, she checks with her Commissioners and/or Nashville to see if she has the correct interpretation of the law. If there is a mistake made, she is the last to point fingers in blame and the first to look for a permanent solution to ensure the mistake does not happen again, not just a band-aid solution. Her integrity is above reproach. She does not blame her predecessor for current problems in the office nor does she predict winners of elections on the 6 o'clock news.

As a boss, I could not ask for better. She leads by example. She does not ask of her staff any more than she asks of herself. She has high expectations of us, demanding honesty, integrity, and discretion in all of our dealings with the public and elected officials. She gives us every opportunity and support to stretch our skills as employees.

In closing I would like to say, Tennessee and Hawkins County is lucky to have Ms. Lumpkins as an Administrator of Elections.

Sincerely,

Vickie McElwain
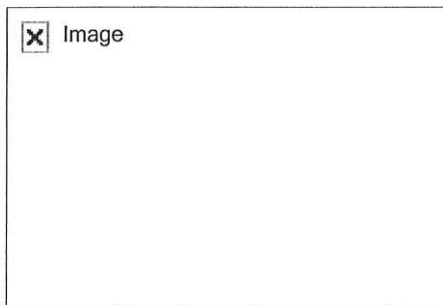Deputy Registrar
Hawkins County Election Commission

timesnews.net

Hawkins GOP election commissioners move to oust assistant administrator

By Jeff Bobo

Published July 21st, 2009

☒ Image

ROGERSVILLE — After weeks of searching for and interviewing potential elections administrator candidates, the Republican faction of the Hawkins County Election Commission came out of the blue Tuesday with a move to hire an applicant as the deputy administrator.

That move was postponed, however, after Democratic members of the Election Commission argued that the motion was out of order. The agenda for Tuesday's Election Commission meeting only listed the hiring of an elections administrator.

To avoid the potential of falling afoul of the State Comptroller's Office and Tennessee public records laws, the commission eventually voted to properly advertise a new meeting for July 31 in which actionable agenda items will include "to make the appointment of the administrator of elections and deputy administrator. Also to conduct any business that comes before the commission at that time."

The vote to schedule that July 31 meeting was 3-2, with Republican members Tommy Dykes, Kyle Luke Lee Jr. and Carl Bailey in favor.

Tuesday's meeting began with a motion by Democratic member Tina Crownover to retain current Elections Administrator Patricia Lumpkins. That motion was defeated 2-3 with the other Democratic member, Teresa Greer, also voting in favor.

On Monday the Election Commission had interviewed three applicants for the administrator position — Lumpkins, Lisa Manis and Stephen E. McKinney.

Following the defeat of Crownover's motion, Lee made a motion to hire Manis as deputy administrator effective Aug. 3, replacing Vickie McElwain, who currently holds that post. That motion was approved 3-1 with each of the Republicans voting yes and Crownover abstaining because she believed the motion to be out of order.

The motion was met with protest by both Democratic members. Crownover quoted a letter from the State Comptroller's Office stating that only items listed on the agenda can be acted upon.

Greer said she wanted to know what Lee's motive was for the unexpected hiring. Greer noted that all of the Election Commission's efforts to that point had been directed toward filling the administrator position, and no members of the commission had publicly discussed replacing the deputy administrator.

Greer asked Lee if his motive was to place Manis in the deputy position to train her so that she could eventually replace Lumpkins. Lee noted that he hadn't mentioned anything about training in his motion.

"We came in here to hire somebody, is that correct?" Lee said. "The motion was properly seconded, and therefore it comes to a vote."

Greer wasn't satisfied and called Lee's motion "insane." She was still asking for an explanation when Dykes, the commission chairman, called for a five-minute recess.

When the meeting resumed, Greer again sought an explanation of Lee's motion.

"We shouldn't have mystery," Greer said. "We're on the same board here. I would love for you to explain what's going on. It's not right for three people to be enlightened and know what's happening and leave two in the dark."

Lee said, "Probably, right now, we're a little bit heavy in that office anyway.

Greer then replied, "So you're going to fire one and hire one?"

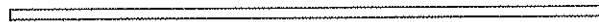As for Lumpkins, Dykes said she remains the elections administrator until someone is hired to replace her.

"Nobody has been hired to replace her, so she is the administrator," Dykes said.

Following the meeting, the Times-News asked Lee if his intention was to place Manis in a position where she could gain experience to be more qualified for the elections administrator position at a later date.
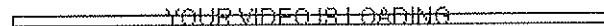
"That's not my intent," Lee said. "That's not anybody on the commission's intent."

Video Player

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Lee said the administrator position will "stay as it is right now."

Lee added, "She's (Lumpkins) not hired and she's not fired. She stays as she is at the moment."

Lumpkins admitted to the Times-News after the meeting, however, that she believes Manis is being positioned to ultimately replace her.

"That's what it sounds like," Lumpkins said. "They want to get her trained and then slide her in."

On Monday, Greer sought for Lee to recuse himself from the administrator vote due to a friendship with Manis which came out during Manis' interview.

September 14, 2010

Tennessee Election Commission
Division of Elections
312 Rosa L. Parks Ave.
9th Floor, Snodgrass Tower
Nashville, Tn. 37243

Commissioner Jimmy Wallace:

My name is Verona Russell and I work as a Deputy Registrar for the Hawkins County
Election Commission and have for the past twenty years. I worked eighteen years
for Peggy Herndon who retired in 2007. The office was a great place to work and the
Election Commissioners and staffers worked well together.

Patricia Lumpkins was appointed in the latter part of 2007 when Mrs. Herndon
retired.   Patricia came in during a very busy time and had to learn a lot on her own.
She runs the office with the upmost integrity and honesty. Mrs. Lumpkins has shown
that the office has ran very efficiently and that our first concern is for the office. She
has always stressed that we check everything to the letter of the law. Her integrity
would not let her do anything that was in question or wrong. She does her job and
does it well. I have enjoyed working with her as I have also learned a lot about the
job from her. I have great respect for her as she does not ask her deputies to do more
than she is willing to do herself. Mrs. Lumpkins has my support as a person and as an
employer.

In closing I think the image that this office conveys to the public that it is run honestly and
fairly to all should be our main concern and not replacing someone with friends or some
party acquaintance.

Sincerely,

Verona Russell
Deputy Registrar
Hawkins County
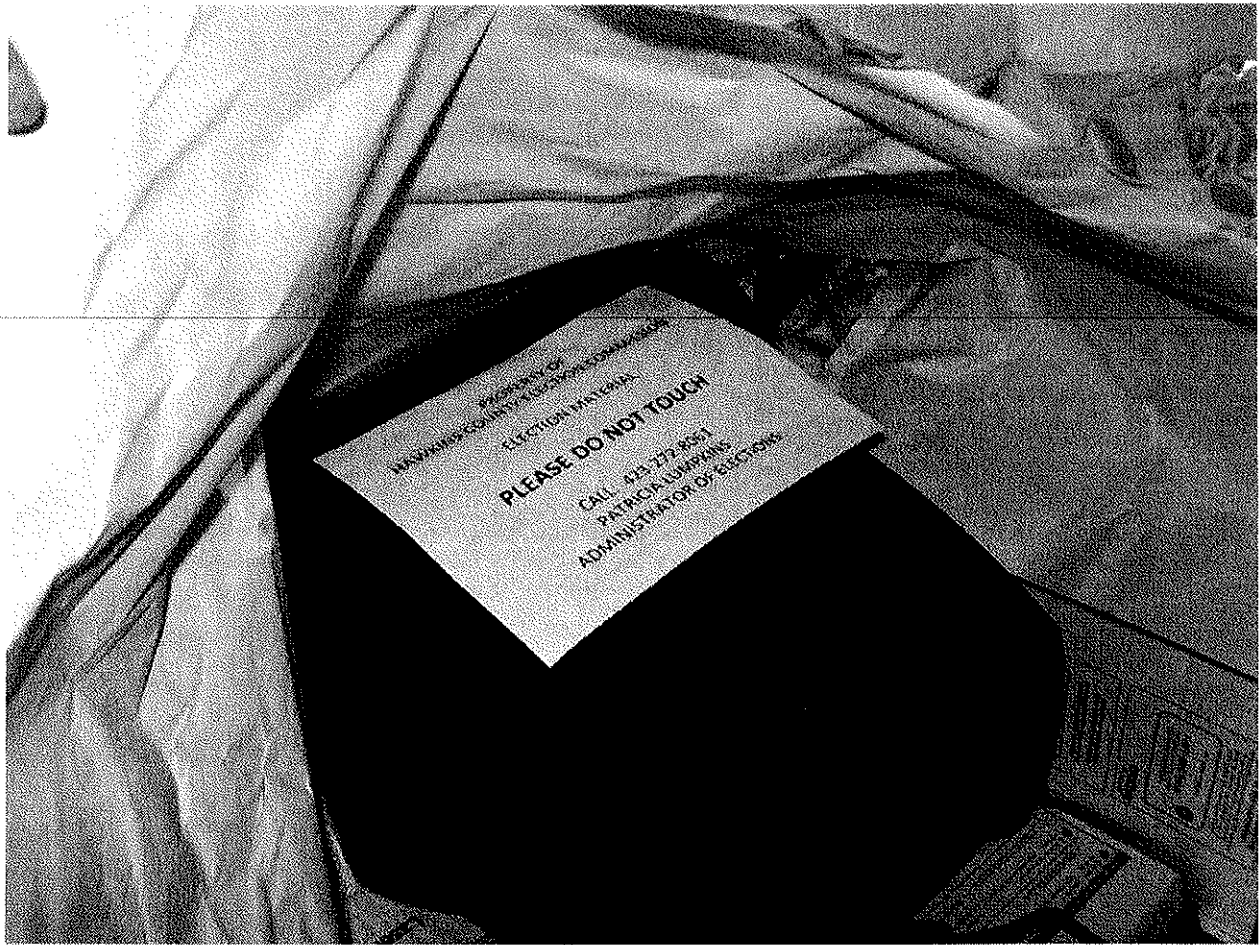
September 16, 2010

To the State Election Commission

Mark Goins, Coordinator of Elections

I am writing this letter regarding the events that led up to Hawkins county's missed early voting day on July 17, 2010. The Hawkins County Election Commission was informed by Patricia Lumpkins, administrator, that our early voting site in Church Hill, Tn. would be unavailable on Saturday July 17. She read from the Election law book about the laws concerning early voting but evidently misinterpreted the law. The commission thought that we were within the law to omit the early voting day and voted unanimously to have no early voting that day . Tommy Dykes,the election commission chairman, mentioned the fact that he felt voters on the eastern end of the county would feel that voters on the western end of the county had an unfair advantage if their location was open that day and the other one closed. Evidently the commissioners trusted his judgment and a motion was made by Republican commissioner Luke Lee, and seconded by Democrat member Teresa Greer to have no voting in the county on July17. Mrs. Lumpkins knew that the voting totals would be looked at daily by the state and was as surprised as the commission and office staff when she realized that a law had been broken. I am sorry that this happened and it has been a wake-up call for all of us. I can assure you that we will be meticulous about all decisions involving both early voting and election- day voting in the future. In support of Mrs. Patricia Lumpkins, this was an unfortunate occurrence and I honestly feel that she works diligently and is very proficient in her job as Hawkins County Election Administrator. I regret that I am unable to attend the meeting due to family illness.

Respectfully,

Teresa Greer

423-360-3137

Tre Hargett, Secretary of State

State of Tennessee

Division of Elections
312 Rosa L. Parks Avenue, 9th Floor
Nashville, Tennessee 37243-0305

Mark Goins
Coordinator of Elections

615-741-7956
Mark.Goins@tn.gov

August 31, 2010

Patricia Lumpkins
Hawkins County Administrator of Elections
100 East Main Street
Suite 301
Rogersville, TN 37857

Dear Ms. Lumpkins:

It my understanding, prior election commission meetings have been audio recorded and said recordings have been stored in the election commission office. I hereby request that you provide a copy of the minutes and any audio recordings of the Hawkins County Election Commission meeting during which the early voting schedule for the August 5, 2010 election was discussed. Please also provide a copy of the minutes and any audio recordings of the August 11, 2010 and the August 30, 2010 Hawkins County Election Commission meetings.

Pursuant to TCA §§ 2-1-113 (a)(4) and 10-7-503(a)(1), both the written minutes and the sound recordings of the meetings are public documents. If there is a problem supplying a copy of any of these recordings, please advise me of a time when those recordings will be made available for inspection.

Thank you for your prompt attention to this matter.

Sincerely,

Mark Goins
Coordinator of Elections

CC: Hawkins County Election Commission members
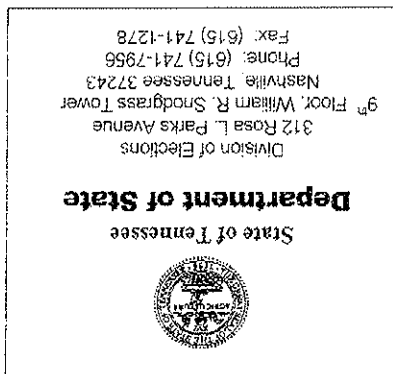
August 18, 2010

Patricia Lumpkins, Administrator of Elections
Hawkins County Election Commission
100 East Main Street, Suite 301
Rogersville, TN 37857-3360

Dear Patricia,

This letter is being sent to you at the request of the State Election Commission (SEC). At their meeting on August 17, 2010, the State Election Commission requested you, and any of your county election commissioners who would like to attend the meeting, to appear before the SEC at their next regularly scheduled meeting to discuss early voting dates and times used for the August 5, 2010, State Primary and County General Election.

Attached you will find a meeting notice for the next State Election Commission meeting scheduled for September 21, 2010, at 11:00 a.m. central time.

Please let Kathy Summers know if you have any questions regarding this request. You may reach her at 615-253-4585.

Sincerely,

Mark K. Goins
State Coordinator of Elections

Attachment: Meeting Notice – September 21, 2010

Cc: Hawkins County Election Commissioners

Disagreements continue in election violation
Mark DeWitte
HT City Editor

ROGERSVILLE – A case of "he said, she said," and "what will be said" dominated the discussion at the Monday evening meeting of the Hawkins County Election Commission in Rogersville, but what the outcome will be remains to be seen.

The controversy stems from Hawkins County's violation of T.C.A. 2-6-103 which states in part that "the county election commission office shall be open a minimum of three (3) consecutive hours each weekday including Saturdays" during an election's early voting period.

Early voting for the August 5 election was held from July 16 through July 31, but the polls were closed on Saturday, July 17.

This week, Administrator of Elections Patricia Lumpkins received a letter from the state election commission office which requires her to attend their next meeting on September 21 to explain why polls were not open. Each election commissioner also received a copy of the letter.

Although the vote to close the early voting locations on July 17 was made by the commissioners themselves, some commissioners contend that it was Lumpkins' responsibility to keep them informed of any possible code violation.

"I'm well aware of my responsibility to approve dates and times, but we make the motion under your direction," Commission Secretary Tina Crownover told Lumpkins during the meeting.

Minutes from the August 16 meeting of the commission also became a point of contention at Monday's meeting.

According to Lumpkins, "Minutes should reflect what was done, not what each person said."

However, the minutes of that meeting which were approved by the board on Monday state, "When asked by Dykes (Chairman Tommy Dykes) why the commission had not been told of the infraction, Lumpkins reported she did tell Dykes and she had forgotten to tell the other commissioners. Lumpkins proceeded telling the commission she accepts full responsibility for the code violation and that she misinterpreted the law."

Lumpkins insisted that is not what she said.

Crownover then read from an article in the *Kingsport Times-News* which quoted Lumpkins as saying the violation was "just a misinterpretation of the law on all of our part."

"She (Lumpkins) answers to us and we answer to the state. We're going to be accountable for this mistake. What are you going to tell the state? I disagree that it was all of our faults and we were all in violation," Crownover said.

"Unless a candidate contests the election it's not a big deal," Lumpkins said.

A computer error during the August 5 election also caused preliminary numbers to be incorrect, resulting in a change in the winners of the 4th District Commission race. Incumbent Commissioner Virgil Mallett officially defeated challenger Eddie McNally by a nine vote margin although McNally was listed as a winner in preliminary results and has not challenged the results as of Monday.

That mix-up was discussed in a previous commission meeting prior to informing McNally, and Commissioner Teresa Greer thought the matter was handled incorrectly.

"Commissioners should have kept their mouth shut about it and not told the press. I think that's a shame," she said.

The commission will meet again on September 9 at 5:00 p.m. to continue preparation for the November 2 election.

Minutes of the Hawkins County Election Commission

August 11, 2010

Present: Timmy Dykes, Tina Crownover, Carl Bailey, Teresa Greer, Luke Lee, and AOE Patricia Lumpkins

The meeting was called to order by Chairman Dykes

Lumpkins Reported that during Friday's audit of the August 5, 2010 Election Results, she and the staff discovered the PEB reader had doubled the votes in the 4th and 7th Districts.

The Commission then proceeded with a manual input of machine totals and found no other discrepancies.
With the totals then matching the amount of applications and signatures in Election Day books, the Commission determined accuracy.

With the new unofficial totals, there was a change in the 4th District's Commissioner's race, bringing Virgil Mallet ahead of Eddie McNally by 9 votes.

Lee then mentioned upon learning today that the Commission had failed to meet T.C.A regulation July 17, 2010, he felt when discovered by voters and candidates they would not be pleased. Lumpkins ask him, who is going to tell Luke? Crownover then ask Lumpkins why the commission had not been told of the infraction. Lumpkins reported she did tell Dykes and she had forgotten to tell the other three Commissioners. Lumpkins Proceeded telling the Commission she accepts full responsibility for the code violation, that she had misinterpreted the Law when ask by Commissioners.

Motion to schedule a next day meeting with the two above said Candidates to explain the citation was made by Crownover, seconded by Bailey. All voted Aye, motion carried.

Motion to release new unofficial totals, and public explanation of new totals, after meeting with Candidates, was made by Greer, seconded by Crownover. All voted Aye, motion carried.

Meeting with Candidates was scheduled for 3:00 p.m. August 12, 2010.

The Commission scheduled a Regular Business Meeting, August 30, 2010 @ 7:00 p.m.

Motion to adjourn was made by Bailey, seconded by Crownover. All voted Aye. Motion carried.

Minutes by Tina Crownover, Secretary

August 16, 2010

Minutes of the Hawkins County Election Commission

Present: Tommy Dykes, Carl Bailey, Luke Lee, Tina Crownover, Teresa Greer, and AOE Patricia Lumpkins

The Meeting was called to order by Chairman Dykes

After a final review of results, a motion was made by Bailey to Certify the August 5, 2010 State Primary and County General Election. The motion was seconded by Greer. Dykes, Bailey, Greer and Crownover voted Aye. Lee voted Nay. Motion carried. Crownover then stated before signing Certifications, that she did not doubt the Election Count, but had to disclose to the public and the visiting Candidate that the August 5 Early Voting Period had been held under T.C.A Violation and no voting had occurred in Hawkins County July 17, 2010.

The Commissioners then signed winner certification's for the August 5, 2010 Election.

Motion to adjourn was made by Crownover, seconded by Greer. All voted Aye, motion carried.

Minutes by Tina Crownover, Secretary

Tre Hargett, Secretary of State

State of Tennessee

Division of Elections
312 Rosa L. Parks Avenue, 9th Floor
Nashville, Tennessee 37243-0305

Mark Goins
Coordinator of Elections

615-741-7956
Mark.Goins@tn.gov

August 18, 2010

Hooper Penuel, Administrator of Elections
Rutherford County Election Commission
1 Public Square South, Room103
Murfreesboro, TN 37130-8001

Dear Hooper,

This letter is being sent to you at the request of the State Election Commission (SEC). At their meeting on August 17, 2010, the State Election Commission requested you, and any of your county election commissioners who would like to attend the meeting, to appear before the SEC at their next regularly scheduled meeting to discuss early voting dates and times used for the August 5, 2010, State Primary and County General Election.

Attached you will find a meeting notice for the next State Election Commission meeting scheduled for September 21, 2010, at 11:00 a.m. central time.

Please let Kathy Summers know if you have any questions regarding this request. You may reach her at 615-253-4585.

Sincerely,

Mark K. Goins
State Coordinator of Elections

Attachment: Meeting Notice – September 21, 2010

Cc: Rutherford County Election Commissioners

Kathy Summers - Meeting - Sept. 21, 2010

From: "Doris Jones" <157smyrna@bellsouth.net>
To: <kathy.summers@tn.gov>
Date: 9/2/2010 10:54 AM
Subject: Meeting - Sept. 21, 2010

To: Ms. Kathy Summers

Per our telephone conversation this morning, I am writing this e-mail to confirm that I will be unable to attend the State Election Commission meeting scheduled for September 21, 2010, at 11:00 a.m. central time. My husband and I will be on a long-planned, and paid for, vacation to the Washington, D.C. area. I am very sorry I will be unable to attend.

Thank you.

Doris Jones
Republican Member
Rutherford County Election Commission

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New Yorkers complain of long lines, confusing machines at polls

By **Bradley Gallo**, CNN
STORY HIGHLIGHTS
- Some voters say new machines are confusing, poll workers are untrained on them
- New York Mayor Bloomberg late-opening polling places "a royal screw-up"
- Elections officials say they're working on problems

New York (CNN) -- New Yorkers who voted in Tuesday's primary got to use their state's new electronic voting machines, referred to as scanners, but early-morning voters experienced long lines and system errors in numerous districts, according to the city's public advocate.

Bill de Blasio said he received complaints from around the city. "There are problems everywhere, but specifically where I voted in Park Slope, Brooklyn -- they were not functional until 9 a.m. So they lost three hours," De Blasio said.

De Blasio said he's concerned that morning voters who saw long lines may have skipped voting in order to make it to work on time.

New York Mayor Michael Bloomberg responded to reporters' questions about the complaints saying, "We have been told of some polling sites that opened two to four hours late.That is a royal screw-up and it's completely unacceptable."

"It means some voters waited for hours and other voters may not have a chance to cast their ballots at all," Bloomberg added. "We've also gotten reports of broken and missing scanners and emergency ballots and poor customer service."

Howard Bragg, an onsite coordinator for poll workers at a school on New York's Upper West Side, said the biggest issues with the new scanning systems occurred when voters fed their ballots into the machine to be recorded. Bragg said if the edges of the ballot were not torn off evenly, the scanner spit it back out and the screen gave a "system error" message.

Bragg likened it to putting a crinkled dollar bill into a candy machine. "If it's not crisp, it will come back at you, but that doesn't mean the machine registered the dollar," he said.

De Blasio also received complaints that city polling workers were untrained in the new systems. "The new machines have been a year in the making. They had plenty of time for training and it wasn't even close," de Blasio said, adding, "The old machines always had a protocol to follow if something went wrong."

In a written statement city's board of elections said it "knew the change to the new voting system would present challenges."

"The Board and its staff have been working to prepare all 1,358 poll sites across the City for today's Primary Election and ensure all machines meet these stringent standards. We have staff in every borough working to deliver any missing equipment," the statement added.

The board said it encouraged all voters to have patience at their poll site.

Find this article at:
http://www.cnn.com/2010/POLITICS/09/14/new.york.voting.machines

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Mayor Bloomberg calls voting machine errors at city polling places a 'royal screw-up'

BY Matthew Lysiak and Adam Lisberg
DAILY NEWS STAFF WRITERS

Originally Published:Tuesday, September 14th 2010, 3:10 PM
Updated: Tuesday, September 14th 2010, 3:10 PM
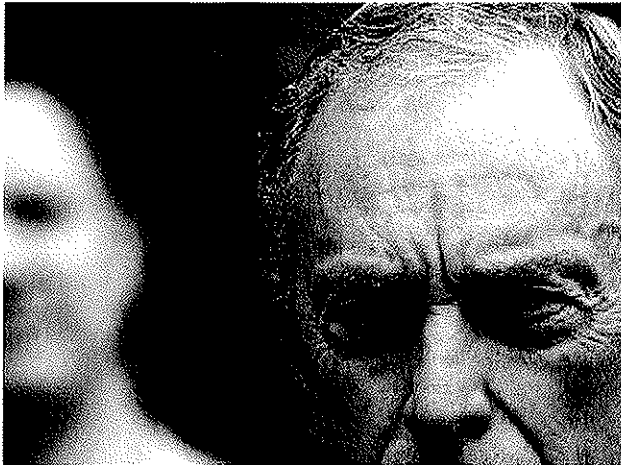
Noonan for NewsMayor Bloomberg was not happy about Tuesday's Primary Day screw-ups at the polls.

Chaos was the runaway winner Tuesday on New York's first try at a modern election - a landslide of snafus that Mayor Bloomberg branded a "royal screwup."

He put the blame squarely on the not-ready-for-primary-time city Board of Elections.

"We've been told of some polling sites that opened two to four hours late," he ranted. "That is a royal screwup, and it's completely unacceptable."

He had plenty of company in pointing the finger.

"These people could make a baloney sandwich complicated," said an exasperated Ed Marino, 76, outside his polling place at Public School 63 in Ozone Park, Queens. "'Put this in here. Line that up like that. Push this, push that.' Enough!"

It was the first election for New Yorkers using ballot scanners, instead of pulling levers on the old, familiar machines.

Across the city, voters complained the new ballots had tinytype, didn't keep their votes secret from the prying eyes of poll workers and were hard to feed into the scanners - when they were working at all.

"We have little old ladies having to use magnifying glasses. It'sjust insane," fumed
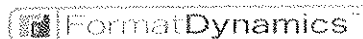
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Daniel Marks Cohen, a candidate for the State Democratic Committee, at the PS163 polling site on the upper WestSide - which opened an hour late.

Bloomberg drew the highest-profile bull's-eye on the Board of Elections, which is controlled jointly by Republican and Democratic appointees who stuff it with patronage hires.

"There is a total absence of accountability for how the board performed on Election Day, because the board is a remnant of the days when Tammany Hall ran New York," the mayor fumed.

The board bought the new scanners to comply with a federal law designed to prevent fiascos like the 2000 presidential recount in Florida, then tried to train its workers and New Yorkers how to use them.

"We have staff in every borough working to address issues that arise," said board spokeswoman Valerie Vazquez.

"We will apply all lessons learned from [yesterday's] primary election to November's general election."

At one poll site on Manhattan's East Side,

though, a veteran Board of Elections supervisor said training on the new machines was poor.

"It's a good thing turnout is so light," he said. "If this were a presidential election, we'd have some mess on our hands."

State Controller Thomas DiNapoli was among many pols vowing a review, with the City Council and the state Senate promising hearings - and Sen. Eric Adams (D-Brooklyn) demanding firings.

"Some heads must roll," Adams said. "The person at the top must roll. The commissioner of the board should not have his job [this] morning."

Many polling sites opened late as workers struggled to operate the new machines, forcing voters to leave their ballots in boxes to be cast later.

Even Sen. Chuck Schumer (D-N.Y.) became "agitated and unhappy" when workers at his Park Slope, Brooklyn, polling place opened late and fumbled with the machines, one Democratic witness said.

"They can't figure out how to open the machine and he is, like, screaming at the

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staff that he wants to vote," the witness said.

At PS 89 in Elmhurst, Queens, Richard Duschaneck said a Board of Elections supervisor promised the overflowing bins of ballots would be scanned once a technician arrived.

"It looked like a locked garbage can," said Duschaneck, 61, a retired research analyst. "It's probably going to be a decade before they scan those."

Not every site had problems – giving hope that the new system would eventually work.

Voters at PS 282 in Park Slope said voting was quick and easy.

"It went smoothly," said Louise Spain, who voted there with her husband, Mel. "We just said, 'What's all the fuss about?'"

Contact ckatz@nydailynews.com if YOU had a problem!

With Erin Durkin, Erin Einhorn, James Fanelli , Alison Gendar, Celeste Katz, Frank Lombardi, Kathleen Lucadamo, Leigh Remizowski and Barbara Ross

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syracuse.com

Onondaga County's debut of voting scanner reveals bugs to be fixed for November

Published: Wednesday, September 15, 2010, 11:19 AM   Updated: Wednesday, September 15, 2010, 12:24 PM

John Mariani / The Post-Standard
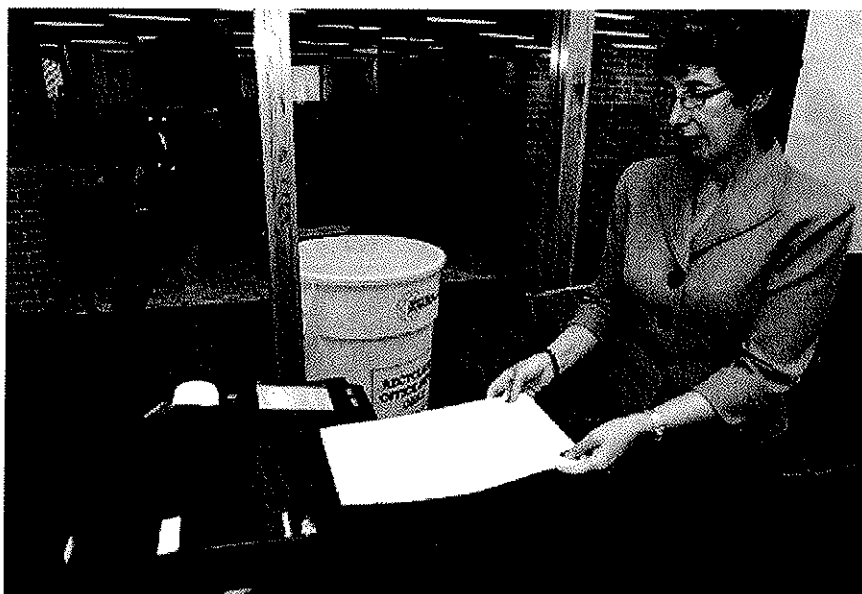
Gloria Wright / The Post-Standard

Onondaga County Republican Commissioner Helen Kiggins demonstrated the county's new voting machines in 2009. Kiggins this morning gave the machines a C in their countywide debut Tuesday.

Syracuse, NY – Onondaga County's first all- paper-ballot election was rocky enough to merit no more than a C from the county's Republican election commissioner.

Tuesday's primary revealed problems with the county's new ImageCast voting system ranging from the quality of ballots and marking pens to delays announcing the results, Commissioner Helen Kiggins said. The issues will be worked out in time for November's general election, she said.

Still, the primary exposed no major flaws and Kiggins, who initially graded the day a C-minus, bumped up the grade after taking a last review of events and praising the efforts of the Board of Elections staff.

"We can definitely improve," she said.

The board, which introduced its new paper-and-scanner replacements for lever machines in selected election

districts last year, equipped every district with them for the primary, as required by law. Voters were asked to mark their choices on pre-printed ballots and deposit the ballots into a machine that scanned them and tallied the votes.

Kiggins said these problems surfaced:

• Ballot size – The Republican ballots provided to voters in Salina's 14th district were too big to be scanned. That meant those ballots were not tallied Tuesday night. But the votes cast on them still count. The ballots were brought to the board of Elections will be counted next week, Kiggins said.

• Spoiled ballots – Election officials printed more ballots than needed for each district, figuring some voters would mess up their first one and need a replacement. But more ballots got spoiled than they expected, Kiggins said.

• At one point in one district, she said, voters had spoiled 14 ballots and cast 20 good ones. In another district in Syracuse's 19th ward, an inspector spilled coffee on blank ballots prepared for the Republican and Conservative races, forcing the board to come up with replacements.

• Ballot legibility – Some voters complained that the oval-shaped bubbles that they needed to fill in weren't dark enough, making their ballots hard to mark.

• Marking pens – some of the gel pens the board supplied to voters dried up between the time they were purchased and Primary Day.

• Reporting delays – Election returns didn't start going out until well after 10 p.m.

In the old days, the Board of Elections staffed a 50-person phone bank that took results called in from each election district and relayed them to computer operators who would enter the numbers for tabulation and publication.

The new ImageCast machines count the votes and store the data on memory cards. When the polls closed Tuesday, inspectors drove the cards to the Board of Elections' warehouse on Thompson Road.

Returns from the last three town, Fabius, Tully and Otisco, came in by 11:30 p.m., not much later than the last result under the old system, Kiggins said.

But it also took longer for the first results to be posted on the Internet, she said.

Those returns came in about 9:45 p.m. – again, about the same time as they would under the old system – and were uploaded without a hitch. But a software issue kept the Board of Elections computer from transmitting the returns to the computer that was to put the numbers on the Internet. County information technology workers fixed the bug, but as a result the first returns didn't get published until about 10:15 p.m., Kiggins said.

"Once they figured out what the problem was they got it current and then we were updating I think every five to six minutes," Kiggins said.

That problem aside, board officials like the tabulating new procedure, she said. It eliminates the need to find staff for the phone bank and eliminates the clerical errors that used to occur in retrieving the vote totals from the lever machines and calling them into the board, she said.

Kiggins said board officials want to learn about problems voters encountered and their suggestions for improvements. Comments can be emailed to **elections@ongov.net** or mailed to the Board of Elections, Civic Center 15th floor, 421 Montgomery St., Syracuse, NY 13202.

"We probably can't get back to everybody but we'd welcome comments," Kiggins said.

Read our coverage of Primary 2010.

LoHud.com
New York's Lower Hudson Valley

Voting machines register complaints in Westchester

Election officials said they were content with the performance of the state's new optical-scan voting machines — despite widespread complaints from voters.

About 800 of the new ImageCast machines debuted Tuesday in Westchester County, with about 40 of them jamming or experiencing problems, county Republican Election Commissioner Doug Colety said.

"Considering the system was all brand-new and it was the first time for the board, first time for the public, first time for the election inspectors, overall it went well," Colety said. "It's the first step into bringing elections into the 21st century."

Things went more smoothly in Rockland and Putnam counties, where fewer complaints came in, officials said.

But the new paper-ballot machines, adopted by state officials to comply with the federal Help America Vote Act, remained the focus of controversy statewide.

New York City Public Advocate Bill de Blasio criticized the machines' performance during Tuesday's primaries, charging that "widespread delays and confusion with the electronic voting machines has damaged the public's trust in our democracy."

He said the scene at polling places like his own, which opened three hours late, raised concerns that "thousands of New Yorkers were likely disenfranchised."

Closer to home, scores of voters in Westchester complained that some polling places opened late because of problems with the machines.

Albany officials gave counties two options for the new machines, which were adopted to provide paper trails in close elections. Westchester and Putnam chose the ImageCast model, while Rockland and New York City opted for the ES&S DS200 Ballot Scanner models.

In either case, election officials maintained Tuesday that voter complaints were similar to those that surfaced when the replaced "lever" voting machines were in use, and said some complaints got more attention because of the change to new machines.

For instance, poll workers at Lakeland Copper Beech Middle School in Yorktown on Wednesday questioned reports that one voter was turned away from the polls.

Rose and Kevin Halpin said the voter, who said she was unable to vote on the ImageCast machines because they were down, was offered the option of filing an emergency ballot shortly after 6 a.m. and again when she returned at 8 a.m.

The Halpins said the woman filled out the emergency ballot, in keeping with Board of Elections guidelines, during her second visit.

Putnam County voters had an easier time of it — both because there are fewer voters and because the county has used the optical-scan machines since last year.

Putnam, which used 44 of its 50 ImageCast machines for Tuesday's primaries, debuted them during last year's local primaries. They were used again in November's elections and in a school board race earlier this year, said Putnam County GOP Election Commissioner Anthony Scannapieco.

"All of our poll workers had some experience with

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the machines this year," he said. "We got the feedback on what the voters didn't like, and we made corrections there."

Westchester will make similar adjustments, county Democratic Election Commissioner Reggie Lafayette s aid. That will include additional voter education, continued training for election inspectors and review of the procedures by sharing notes with other counties.

"By November elections, we think that things will be running a lot more smoothly," Lafayette said.

No challenges to the primary results were filed Wednesday, Lafayette said, and any bugs in the new system will be ironed out.

As Scannapieco noted, it's not as if the counties have much choice.

"I don't think there was a commissioner in the state of New York that wanted this machine," he said. "But this is what we got.

"We had a choice of two and that was it — the one that New York City has and the one we have," he said.

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Greenfield Wants Federal Monitors To Ensure Ballot Secrecy In November Election

(Thursday, September 16th, 2010)

Brooklyn — Councilman David Greenfield has requested that the Federal government dispatch monitors to random polling sites to oversee the November 2nd general election in New York to ensure the preservation of New Yorkers' rights to a secret ballot.

In a letter to the U.S. Department of Justice's Assistant Attorney General Tom Perez, Councilman Greenfield said, "I am calling on you to urgently address the serious privacy violations that took place during Tuesday's New York primary elections. As you are aware, this was New York's first election with new electronic voting machines and the outcome was catastrophic with respect to voter privacy."

On primary day, Councilman Greenfield received numerous complaints from constituents and experienced first-hand how New Yorkers' rights to a secret ballot were impeded by improperly trained poll workers. The grievances begin with the fact that poll workers failed to distribute the necessary privacy sleeves that were to accompany all ballots, which Councilman Greenfield, who had to demand a privacy sleeve, experienced when he voted on Tuesday. Without the privacy sleeve, voters were unable to hide their ballot selections while carrying the paper ballots from voting booths to the optical scanners.

Additionally, at various polling locations, including Councilman Greenfield's, the new voting booths were incorrectly positioned toward the public, instead of a wall, leaving anyone behind the person voting able to view their ballot. Councilman Greenfield, like many voters, had to huddle over his ballot to ensure his vote remained private.

Finally, in numerous circumstances, poll workers—all of whom are appointed by district leaders, who themselves are running for election —would refuse to allow voters to enter their paper ballot into the optical scanner and instead demand that they – the poll worker – enter the paper ballot, with a voter's ballot selections in full view. Sadly, this too happened to Greenfield who had to argue with a poll inspector to allow him to enter the ballot on his own.

"These allegations would have been shocking had I not personally experienced a complete breakdown of voter privacy in Tuesday's elections," Greenfield explained. "The secret ballot has been a fundamental right dating back to the Roman era. If our elections are to be fair, we must ensure the secrecy of our ballots and make sure that voters do not feel intimidated at their polling sites."

(YWN Desk – NYC)

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6 Comments

1. *cccr* says:
   September 16, 2010 at 5:32 pm

   Oh boy, the old party bosses would have had a hey-day with this stuff!!!

2. *akuperma* says:
   September 16, 2010 at 6:18 pm

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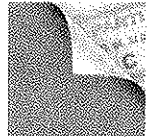
Granger vote delay attributed to 'first-time mistake'

Daily Reporter
Posted Sep 16, 2010 @ 09:18 PM

BELMONT — Toward the end of Tuesday night, primary results in the sheriff's race had come in from every voting district except for Granger. County staff at the time said the voting machine in Granger had been shut down before inspectors printed out the results. No such problems were reported at any of the other 39 voting districts. It wasn't until Wednesday afternoon that the Granger results were available. Election Commissioner Elaine Herdman said incumbent William Tompkins won the Republican vote over Bolivar Police Chief Rick Whitney, 45-34. There were no Conservative primary votes to be counted.
Of the mixup with the voting machine, Herdman said, "It was just one of those things, a first-time mistake that was made."
Voters made their choices on a paper ballot, then fed it into the electronic voting machine, being used this year for the first time. The tape with the results on it was supposed to be printed out some time after the polls closed.
"They (inspectors) got ahead of themselves and by the time they realized it, it was too late to get the tape," Herdman said. She said she and Election Commissioner Cass Larow went to Granger Wednesday morning, turn the machine on and print out the results, turn the machine off and return to Belmont.
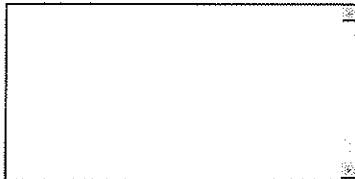
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This move ,that the voting machine was accidently shut off, was designed to make the election as dramatic as possible. You know -- Like the front page article where the Democrats may endorse the Sheriff ? I am a Democrat and nobody from Barb's select group asked my opinion.. NO is my answer. WE should not endorse anyone in this election NO, the Sheriff does not deserve it because he said a few peachy, kind word s at one of your gatherings, Barb..We had no candidate to run against these guys -- so let;s leave it alone. I am a Democrat and I am voting for Rick Whitney. He is the only one that has lived in this area his entire life. He has worked in law enforcement his ENTIRE career. He IS the only one that can make a legal arrest in New York State. We do not care about Miami or Utah or B.O.C.E.S. classes,etc. We want honesty and a good Qualified Sheriff.. No Barb--- Leave it alone...
billyjack
3 days ago
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I respectfully disagree with the other blog. I am happy that the Democratic party is going to endorse our current. Sheriff. Since they were not heard in the Primary now they have a say. No one has to vote true to their party. They can vote for the man they want to be Sheriff. Everyone should have a choice not just the Republican and Conservative parties. Thanks Barb!
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POLITICS

09/16/2010 12:37 AM

Mayor Takes BOE To Task Over Voting Machine Flaws

By Anthony Pascale

The city's Board of Elections responded Wednesday to reports of problems experienced by some voters on Primary Day, which Mayor Bloomberg is calling a "disgrace." NY1's Anthony Pascale filed the following report.

For the second straight day, Mayor Michael Bloomberg blasted the city's Board of Elections, calling its performance on Primary Day unacceptable.

According to figures released by the BOE, 70 of the city's 1,350 polling sites failed to open on time at 6 a.m.

"Can you imagine? What if the NFL was four hours late in starting the Super Bowl -- something that you can make the case is not quite as important as Democracy and public elections. What happens if Macy's advertised a big sale with a 6 a.m. opening, but was unable to open some stores until 8 or 9 or 10 a.m.? It would never happen," said the mayor.

The Board of Elections is acknowledging there were problems. It says some machines didn't get to their locations on time because of intensive testing requirements by the state.

And what about the fact that several poll workers just never showed up? That's being blamed on new rules that require the workers' earnings be taxed.

J.C. Polanco, one of the city's 10 Board of Elections commissioners, tells NY1 the problems will be resolved by Election Day in November.

"It looks as if we had some serious logistical problems in some of the poll sites across the city," Polanco said. "We're going to address those issues. New Yorkers deserve answers and we will provide those answers."

The nonpartisan Election Protection coalition monitored Tuesday's election in the city. The group says it observed several machines not working and workers not knowing how to work the machines.

"What really exacerbated the situation was that the preparedness really wasn't what it should've been for issues like this and you had voters turned away or long lines, situations that really shouldn't have happened," said Eric Marshall of Election Protection.

The City Council has already announced it will hold hearings regarding Tuesday's voting issues. Mayor Bloomberg says he will once again propose changes to the way the city votes, including a measure that would allow residents to vote on the weekend.

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by MojoPages

September 15, 2010

Before Vote, City Officials Fretted About New System

By **DAVID W. CHEN**

Six days before the primary on Tuesday, state election officials received a request from the city's Board of Elections: Could it cut short tests on some of its voting machines because of worries that the testing would not be finished before voters went to the polls?

State officials granted the request, if a bit warily.

"It was an unusual request," said Douglas A. Kellner, co-chairman of the State Board of Elections. "It's always annoying when someone comes to you at the last minute and says, 'Gee, we didn't know it would take this long,' and you say, 'Well, why did you wait this long to figure it out?' "

For all of the calm assurances that the city's Board of Elections offered to the state and public about how prepared it was for the transition from mechanical machines to electronic ones, there was no shortage of behind-the-scenes jitters in the run-up to the primary over whether they would actually be ready.

And, as it turned out, plenty of things did not go according to plan: some polling places did not receive the optical scanners required to read the new paper ballots by the time the polls were supposed to open at 6 a.m., so they remained closed, in some cases for hours.

Some polling sites opened late because no one had the new keys, literally, to the machines. And when some machines failed to work properly, poll workers seemed unsure of how to improvise.

A day after the machines' inaugural run, city election officials conceded that the problems were

due, in part, to inadequate preparation, but they said the city was trying to abide by requirements imposed by the state.

"The New York State Board of Elections and the New York City Board of Elections did not fully comprehend the time requirements for the intensive methodology of testing required" by state regulations for primaries, George Gonzalez, executive director of the city's Board of Elections, said in a statement. "This caused delays in machine preparation and delivery."

He added: "These and other issues are being reviewed, and we will provide detailed statistics when we can compile them."

A spokesman for the State Board of Elections did not immediately return an e-mail asking for a response to the city's statement.

The state comptroller, Thomas P. DiNapoli, and the city comptroller, John C. Liu, said they wanted to investigate the election process and would consider an audit of the process. A spokeswoman for Mr. Liu said that when he went to vote on Tuesday, he was particularly troubled by the sight of marked ballots lying out in the open.

"The problems are significant enough to warrant a closer look," said the spokeswoman, Sharon Lee.

Still, New York is hardly alone in making what is often a bumpy transition to electronic democracy. Washington also rolled out new electronic voting machines on Tuesday — for a hotly contested mayoral race — and similar problems were reported, said Eric Marshall, manager of legal mobilization at the Lawyers' Committee for Civil Rights Under Law, which is part of the national nonpartisan Election Protection coalition.

John S. Groh, senior vice president of Elections System and Software, which manufactured the voting machines used in New York, said he believed that, in general, the process worked well in New York. "From my perspective, New York did way more than a lot of other places" to prepare for the new system, Mr. Groh said. "But I also recognize that there's nothing else like New York that's ever been done."

In particular, he said there were three factors that could have been improved upon. One was delivering the machines, which was complicated, he said, by the fact that Rosh Hashana

occurred the Thursday and Friday before the primary.

"The holiday probably throws a little wrinkle into it," he said. "They would have been all done by Saturday night if everything had been a normal weekend and a normal Friday."

Mr. Groh also said that poll workers should receive more-extensive training than they did and that they should be required to show up at their polling sites before voters do — not at the same time — to have time to prepare and deal with problems.

"Poll workers coming in at 6 o'clock is too late," he said. "People need to be there at 5:30."

But even if election officials remedy the problems from the primary, a new one could emerge in November: a quirk called "double voting."

That occurs when a voter checks more than one box for the same candidate running on more than one party line. When that happens, the major party — Democrat or Republican — gets the full vote and the minor party gets no credit.

Under the old lever-machine system, it was impossible to vote for the same candidate on more than one party line. But that is not the case with paper ballots that are part of the electronic system.

So on Tuesday, two strange bedfellows — the Conservative Party and the Working Families Party — filed a suit in Federal District Court in Manhattan challenging the constitutionality of such a rule.

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WNYC News

Election Watchdogs: Humans, Not Machines, Caused Primary Day Problems

Thursday, September 16, 2010

By Ailsa Chang
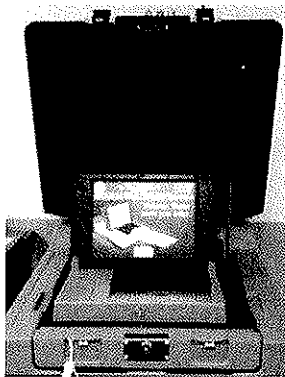
New electronic voting machines record paper ballots (Ewa Kern-Jedrychowska/WNYC)

The City Board of Elections has less than 60 days before the general election to figure out what went so wrong with the new voting system on Primary Day and how to fix those problems. Election watchdogs say most of the voting mishaps were caused by humans, not the new machines.

A lot of it just seems to be poor planning. Machines didn't show up on time. Neither did keys to polling places. Even poll workers arrived hours late. And many of the workers who were there at the start of the morning didn't know how to correctly set up the machines or didn't have the right code to turn them on.

"It wasn't all a failure of technology, but sometimes it was more of a failure of making sure that the proper preparations and proper contingencies were put in place," says Eric Marshall from the voting rights advocacy organization Election Protection.

Even Mayor Michael Bloomberg chimed in, blaming the Board for poor planning when more than 70 polling places opened late yesterday.

"What happens if Macy's advertised a big sale with a 6 a.m. opening but was unable to open some stores until 8 or 9 or 10 a.m.?" the mayor asked. "It would never happen. And the reason it would never happen at Macy's is because they know their customers would go some place else."

Election 2010

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Optical scanning machines definitely broke down, but when that happened, poll workers made mistakes. They told voters to wait for the machines to be fixed, or to come back later. Larry Norden of the Brennan Center for Justice says that defeated the whole purpose of the new system.

"When the machines break down, people can still vote," says Norden. "People can still be given their ballot. They can fill them out, and they can be put in an auxiliary bin, so the fact that poll workers didn't know enough and the people running the polls didn't know enough to take advantage of that benefit is very troubling."

He says most of yesterday's problems could have been solved by better training. Voters complained poll workers took their ballots without their consent to feed them into the scanning machines. But that violates state election regulations. Poll workers also didn't tell many voters they could insert their ballots face down. Norden says the City Board of Elections should have been more cognizant of these privacy issues — especially since New York voters are known to be touchy about their right to a secret ballot.

"We voted on lever machines. We had curtains. We were very used to total privacy when we went to vote," says Norden. "There's no reason you shouldn't have privacy when you're voting on these systems and poll workers shouldn't be taking people's ballots."

Election watchdogs say the problem is that New York City waited until the last minute to try out the new voting machines. The state deadline to put these machines into place was 2010, but 47 counties decided to participate in a pilot program during last year's general election. Voting technology expert Bo Lipari says that gave those counties a chance to shake out kinks with the new system.

"The decision by the City Board of Elections not to participate in the 2009 pilot led directly to the problems they had yesterday," says Lipari. "In essence, the primary was their pilot program."

Lipari says upstate counties that took part in last year's pilot program learned how to deal with the privacy issue. They told poll workers not to handle people's ballots at the scanning machines. They realized they had to line up voters waiting for scanning machines away from voters filling out their ballots. They had a full year to learn how to fix other training problems.

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Election officials learn lessons on primary night

Minor problems reported with optical scan machines, but tallying was slow

By Ray Finger •rafinger@gannett.com •
September 15, 2010, 5:40 pm

With only a few glitches, Tuesday's primary election went well using the new optical scan voting machines, according to election officials in Chemung, Steuben and Schuyler counties.

"We had a great Tuesday night until we came to tallying the results. We had a little bit of trouble because the system was new to us," said Linda Forrest, Republican deputy election commissioner for Chemung County. "It just took us a lot longer than we were anticipating."

After the polls closed at 9 p.m., election workers had trouble getting the equipment to read information on the memory cards from the voting machines to do vote tallies, she said.

"We were just fortunate that we had a backup plan," Forrest said.

Plan B was for two people to read the results aloud from the voting machines' paper tapes and two other people to type the results for the county's 85 election districts into computers using the same program that has been used in the past to tally results, she said. The result was online results did not start to appear until just before midnight.

"Normally, we would have the inspectors call in results," Forrest said. "Unfortunately, our backup plan just took longer because of those long tapes."

By the time election workers left Tuesday night, the new system was working, and they did tallying on new system when they returned Wednesday morning, she said. "We learned what it was we weren't doing right," she said. "You can believe that by November, we're going to have this down."

No significant problems were reported with the new voting machines, Forrest said. The ends of a couple of ballots were slightly bent and got stuck, but they were easily retrieved from the machines, she said.

Chemung County voter Mike Kienenberger said he had a different problem when he voted at First Presbyterian Church on West Clinton Street in Elmira.

"The scanner originally read my carefully marked voting sheet as having more than one candidate picked in some category," he said.

"I received the sheet back and carefully examined it, making sure that I had not made an error, and that I had not left some stray mark that might be confusing the scanner," Kienenberger said.

"Everything looked perfect, so I handed it back, and the attendant fed the sheet into the machine again, with the same result of 'overvoting.' Then he fed it into the machine a third time, at which point the sheet was accepted."

He and his wife, Cindy, had no problems using the optical scanner last year when the device was piloted in the Town of Elmira.

"That is unusual, to have to put it through three times," Forrest said after being informed of Kienenberger's problem. "I would be concerned about that."

That machine will be checked this week, she said.

Everything went relatively well in Schuyler County,

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said Joseph Fazzary Sr., Republican election commissioner.

"We had two small problems with the machines that really weren't the machines' fault," he said. A circuit breaker apparently was tripped at one location, and the machine went into battery backup. After a number of hours, it finally gave out and shut down, he said.

"At the close of the polls, in order to get the printout of the results and to be able to properly close the polls, we sent technicians over," he said. "After the inspectors on the site removed the ballots, we had the technicians reboot the machine."

An election inspector from each party supervised as the emergency ballots that were collected after the machine shut down were fed back into the machine to be tabulated, Fazzary said. "It worked very smoothly, and we got our results and we got the polls closed properly."

The only other problem involved that same machine -- one of 17 at 16 polling places -- earlier in the day, when it did not accept ballots easily, he said. Voters were instructed to insert their ballots a little further into the scanner, and the problem eventually corrected itself. That scanner will be examined before the general election on Nov. 2, he said.

Minor issues were reported Tuesday in Steuben County, said Joseph Welch, Democratic election commissioner, and Veronica Olin, Republican election commissioner.

"We had some scanners that had some trouble reading ballots, but then they were eventually able to read them," Welch said.

"We had an issue with a couple of scanners, but they used the emergency ballots and we got out there and got them fixed, and everybody got to vote," Olin said.

Still, tallying lagged. In Steuben County, results from all 85 polling places were not posted on the county website until mid-afternoon Wednesday.

People are still getting used to the new voting system, Olin and Welch said.

"It's a matter of the voters getting educated and the

inspectors getting educated. It's a new process for everybody. It's evolving as we go along. We have to just keep looking at it and try to improve it the best we can where we can," Olin said.

"The machines are pretty good so far," Welch said. "We still do hear that people wish they had the old lever machines, but this is the hand we're dealt."

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To vote, the tip of the ballot is allowed to stick out from the top of the privacy folder and is fed into the machine. The ballot is then automatically pulled into the machine and scanned, and if there are no errors, the voter's ballot is accepted. (RAY FINGER / Sta Photo)

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Oneida County election totals still delayed

By BRYON ACKERMAN
Observer-Dispatch
Posted Sep 15, 2010 @ 06:47 PM
Last update Sep 15, 2010 @ 06:49 PM

UTICA — Final tallies for several local primary races remained unavailable Wednesday in the wake of problems Tuesday night with a low percentage of votes being called in, Oneida County election officials said.

Electronic voting machines were used for the first time Tuesday, and there was confusion about the new process for calling in votes to the county Board of Elections after polls closed, county Democratic Election Commissioner Kathleen Perez said.

The system for obtaining results relies on workers at the polling sites calling in votes on the night of the election, Perez said. With a low percentage of votes called in, there wasn't a way to obtain the total vote counts without going through the normal official counting process that occurs in the following days at the Board of Elections, she said.

That process started Wednesday with the unloading and organizing of the votes. On Thursday, the election commissioners hope to complete the process of counting the votes or at least come close, they said.

"I'm really anxious to get this done and over with," county Republican Election Commissioner Pamela Mandryck said.

Candidates in several races had hoped to know the results Tuesday night, but they remained waiting throughout Wednesday. Among the races awaiting further results:

- **Republican primary for Oneida County sheriff:** State Assemblyman David Townsend, R-Sylvan Beach, leads Rome Public Safety Commissioner James Masucci by more than 800 votes with 65 percent of the machines reporting. Meanwhile, New York Mills Mayor Robert Maciol has more than twice as many votes as correction officer Angela Gumbarevic in the Democratic Primary with 65 percent of the machines reporting.

- **Democratic primary for 47th District state Senate seat:** Oneida County Legislator Michael Hennessy, D-Sherrill, leads Maria Pavelock by about 370 votes with 63 percent of the machines reporting in Oneida County and all the votes counted in St. Lawrence and Lewis counties. State Sen. Joseph Griffo, R-Rome, currently holds the seat and is running in the General Election.

- **Republican primary for 115th District state Assembly seat:** Claudia Tenney leads Oneida County Legislator George Joseph, R-Westmoreland, by fewer than 500 votes with 78 percent of the machines reporting. There is no Democratic candidate in the race.

With the new machines, the process of calling in the vote totals requires transferring totals from a results tape to a canvas sheet to the call-in sheet, Perez said. Confusion about those steps likely caused the problems, so the process might have to be changed, she said.

"We'll certainly find out, but right now, we're trying to find out the results," she said.

The county also had about 25 percent of its polling inspectors not show up Tuesday. The election commissioners and county Board of Legislators said Wednesday they will be planning to meet soon to review the issues. The meetings will be with the Ways and Means and Internal Affairs committees, officials said.

Board of Legislators Majority Leader David Wood, R-Rome, said officials will have to discuss whether they should consolidate polling sites, increase the pay for inspectors, establish split shifts or take other actions to improve the process.

County Legislator James D'Onofrio, R-New Hartford, said he believes older inspectors were intimidated by the new machines and decided not to show up for that reason. The actual process of voting in the machines didn't seem to be the problem, he said.
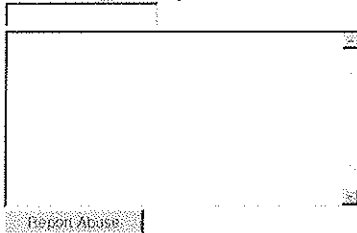
"It was easy," he said.

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Oneida County is a JOKE. This is what happens when you have politicians appointed as elections commissioners. Take the politics out of that office! Every other county (including rural counties) reported 100%. The commissioners should be on the chopping block.

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Nassau officials blame workers for voting machine woes

September 15, 2010 By MICHAEL AMON michael.amon@newsday.com

Nassau election officials vowed Wednesday to retrain poll workers on new voting machines after their mistakes caused major headaches for confused primary voters and resulted in delayed counting of the ballots.

While voting problems in Tuesday's primary election were not as widespread on Long Island as in New York City, Nassau poll workers overloaded a troubleshooting call center with concerns...

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Election commissioners say primary went smoothly

By Joyce Miles
Niagara Gazette

LOCKPORT — LOCKPORT — Unexpectedly brisk turnout in the Republican primary election drove ballot shortages in a few local election districts.

Mary Ann Casamento, Niagara County GOP election commissioner, confirmed Wednesday that one polling site each in the towns of Lockport and Pendleton, and two sites in Wheatfield, ran out of scannable paper ballots before the 9 p.m. close of voting Tuesday.

Residents were still able to vote, however, Casamento said.

Where shortages developed, photocopies of the scannable ballots were made, voters filled them out and these "emergency" ballots were sealed in an envelope instead of being fed into the optical-scan voting machine. Emergency votes were hand-counted by election inspectors after the polls closed and were tacked onto machine-tabulated totals reported to the board Tuesday night, she said.

Apparently, the scannable ballot shortage and slow-moving lines at polling sites sparked stray rumors of people not being allowed to vote, their ballots not being counted and people not being allowed to vote after 9 p.m. Tuesday.

None of it's true, Casamento and Nancy Smith, Democratic election commissioner, said Wednesday. So long as voters were in line by 9 p.m., they were allowed to cast ballots.

Both commissioners said they thought the election process went pretty smoothly, considering voters and election inspectors countywide were using New York's new optical-scan voting system "live" for the first time.

"There's a learning curve, for voters and election inspectors alike. The problem is it's change and some people don't like it," Smith said. "(Emergency balloting) made for a little bit longer night for the election inspectors but — mission accomplished. We had an election and everyone's vote counted."

Add in the fact that GOP voter turnout seemed much brisker than was expected for a primary election and "overall, I think, we were pretty successful," Casamento said. "The machines themselves worked wonderfully. There were some delays in some places, some lines formed in places where voters maybe aren't used to seeing them ... but it worked out fine. And turnout was great. It was exciting to see people coming out and taking part in government; that's the way it's supposed to be."

Exact turnout numbers won't be known until live votes are recounted, and absentee ballots are counted, next week. The numbers will be checked against the voter registration books for a clear view what percentage of eligible voters came out to the polls Tuesday.

The GOP ballot shortage was an unexpected glitch, the commissioners said; they thought they'd ordered more than enough ballots to cover a potential voter turnout spike. The commissioners said they added up the numbers in the last well-attended primary election — the 2008 presidential primaries — and exceeded it to be safe.

In the end, ballot shortages occurred in districts that, historically, don't have the highest turnout rates — while leftover ballots were noted in some that do.

With the old lever machines, the board knew exactly how many ballots to order because they were affixed to a set number of machines. Now, the number of ballots needed depends on how many people turn out to the polls. Legally, every voter is entitled to mark up to 3 paper ballots in the event of mistakes in the marking.

"It's a guessing game," Smith said.

Avoiding ballot shortages in future elections will require a judgment call by the commissioners.

The obvious way, printing more ballots, will come at a cost of about $1 per ballot, Casamento said.
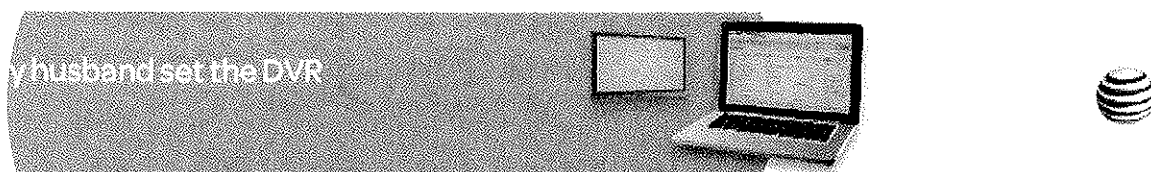
Niagara Gazette 310 Niagara Street Niagara Falls, NY 14302

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DAILY◦NEWS

Sen. Charles Schumer fumes after new voting system fails at his local polling place in Brooklyn

BY Celeste Katz
DAILY NEWS POLITICAL CORRESPONDENT

Tuesday, September 14th 2010, 10:51 AM
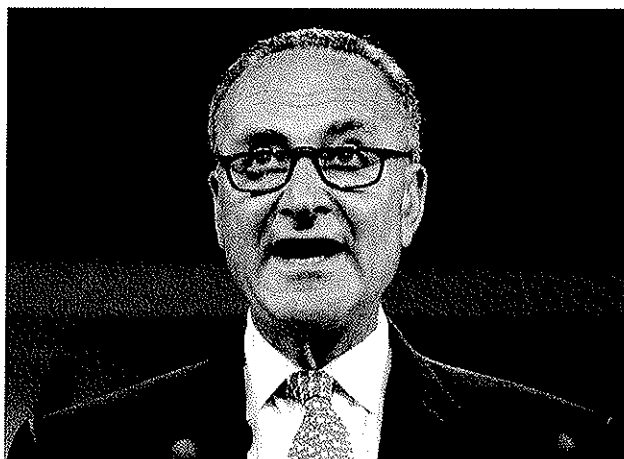
Schultz/Times Union Sen. Chuck Schumer allegedly had trouble Tuesday at his Primary Day polling place with the new voting machines (seen below).

Apparently even Sen. Chuck Schumer isn't immune to the pitfalls of the new voting system.

What the hElmo is going on with these voting machines?

A party insider told me Schumer showed up at his polling place, P.S. 321 in Park Slope, Brooklyn, at 5:55 a.m.

"They don't open the polling place until 6:10... They can't figure out how to open the machine and he is, like, screaming at the staff that he wants to vote," the insider said.

Another source said, "First, the site opened late. Second, the room was in a different location. Third, there were only 2 machines, and workers told him there were supposed to be 8. And 4th, the machines did not boot-up on time."

There was some dispute about whether the senior senator had to vote by emergency or regular ballot, but his office says he was (finally) able to vote by regular ballot.

Schumer's not the only one having trouble:

A voter wrote to me:

"Voted on Long Island, in Suffolk. Got to my polling place a few minutes after six. None

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of the new voting booths were working. Poll workers had no idea where to find the paper ballots that are supposed to be used for backup.

Watching the poll workers was like watching your grandparents try to work a VCR for the first time. They were all confused and yelling at each other. I was the second voter in my election district, and it took me 35 minutes to cast my ballot because they didn't know what they should be doing. It's a good thing they have 15 hours to try to figure it out."

More:

• "Massive machine failures out in Queens" in the 39th AD. "At one point 50% of machines were down. Poll workers have no idea how to rectify or what to do. Hundreds of people have been turned away. Really horrible situation (particularly in an immigrant community)."

• "PS 143, PS 91, PS 149, PS 177, PS 89 no scanners working. Corona senior center down. Scanner eating ballots at PS 101 (this is a known problem with an easy fix)."

• "Just voted for Lazio, Berntsen and DioGuardi at AD44/ED79! But neither scanner accepted my ballot, so I had to cast an emergency ballot."

We'll be keeping track of this for you all day.
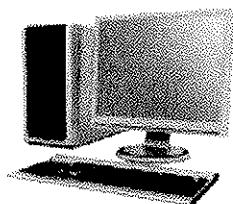
Contact ckatz@nydailynews.com if YOU had a problem!

As first reported on The Daily Politics blog.

See one voter's reaction after she goes to the polls Tuesday.

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Voting machine glitches reported on LI, NYC

September 14, 2010 By MICHAEL AMON AND MITCHELL FREEDMAN   michael.amon@newsday.com..
mitchell.freedman@newsday.com

New York's first primary day using new voting machines brought scattered reports of balloting problems across Long Island Tuesday - though not as widespread as New York City voters faced - and delays in counting votes in Nassau County, election officials said.

The state's old machines, with their trademark levers, were replaced for the first time in more than 80 years with paper ballots filled...

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A new way of voting; some hiccups

By SARA KUGLER FRAZIER Associated Press With Staff Reports
Published: 11:52 a.m. Tuesday, September 14, 2010

NEW YORK -- New York's new electronic voting machines made their debut in Tuesday's statewide primary with scattered hiccups, including reports from New York City of flustered poll workers and non-working machines that resulted in delays and long lines at a few polling sites.

While the new machines' arrival in the Capital Region went relatively smoothly, the nonpartisan Election Protection Coalition said it was aware of at least 14 polling sites of New York City's total of 1,358 citywide where machines broke down or poll workers had trouble setting them up.

At one site, setup problems delayed its 6 a.m. opening by 2 1/2 hours. And U.S. Sen. Charles Schumer's polling site in Brooklyn was also late opening by about 15 minutes, his office said.

New York Mayor Michael Bloomberg, who did not vote Tuesday because he is not registered with any party, called the reports "disturbing." He blasted the city Board of Elections for failing to prevent the problems despite more than $77 million in funding from the city to ease the transition.

The Election Protection Coalition said it had fielded calls about poll workers seemingly unprepared to use the new machines.

Instead of voting behind a curtain, as with the lever system, voters now fill out the ballot in a narrow booth similar to a tiny study carrel, and then feed the ballot into the automated machine while a poll worker stands by, looking on.

By contrast, the debut of electronic voting machines in the Capitol Region went smoothly overall.

Rory Riedy, 55, who voted at Colonie Central High School in Albany, said he felt "awkward" without the privacy of the curtained-off lever machines that were used since the late 19th century.

And he found the new form's design so confusing, he had to ask a poll worker to explain how to mark his choices, he said.

While some localities used the machines in previous elections, this is the first time they have been mandated by law.

Albany and Schenectady counties used the DS200 machine, which also is used in New York City. Rensselaer, Saratoga and most other surrounding counties used the ImageCast machines.

In other instances Tuesday, the machine was the source of trouble.

At Lynnwood Reformed Church in Guilderland, a loose plug caused the screen to go dark 15 minutes before the polls opened at noon.

As repairmen tried to fix it, the 25 voters in line filled out emergency paper ballots by hand to be scanned and counted later.

At Jonesville United Methodist Church in Clifton Park, an evening gas leak forced elections workers to carry the machines outside.

Overall, however, voting went smoothly throughout the region, election commissioners said.

"They had some problems getting started, but they've been fine after we got them up and running." said John Graziano, Albany County Republican election commissioner.

Staff writers Stephanie Lee, Kenneth C. Crowe II, Jordan Carleo-Evangelist, Leigh Hornbeck and Tim O'Brien contributed to this report. Reach Stephanie Lee at 454-5057 or slee@timesunion.com.

ELECTIONS

Scattered Problems for New Voting Machines
No major glitches spotted in Massapequa, but difficulties reported countywide.

By Chris Boyle and Edward Robinson   September 14, 2010

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John Vendillo

PHOTOS

There were problems, delays and a fair share of confusion, but voters' first experience with the new electronic voting machines did not produce any major disasters.

"We've had some glitches," said Eleanor Sciglibaglio of the Nassau County Board of Elections. "Some have involved human error some have involved scanner problems and some involved things like paper jams."

Sciglibaglio said that workers had been deployed throughout the county to fix any reported problems, but that electronic voting is still proceeding as planned.

A Patch reporter who visited several polling places in Massapequa did not see any major problems.

PHOTOS (6)

"I had no problems," said George Francis who voted at Massapequa High School. "If anyone does it once, they should be able to handle it from then on. It looks like a good system to me."

Catherine Shaw found that the new machines streamlined the act of voting.

"I was worried about the small print, but it turned out to be fine," she said. "I think the new machine really expedited the process."

Lois Muller, a worker at the polling center at Marjorie Post Park, demonstrated a version of the voting machine tailored to the handicapped.

"You put your ballot in, you can zoom in to enlarge the text, and you can even select English or Spanish" she said. "If you're blind it has Braille and headphones, and rocker pedals and mouth controllers for people who are paralyzed."

However, despite the overall praise, there were complaints about certain aspects of the new voting machine.

Walter Noonan found the text on the ballot difficult to read.

"The machine seems alright, but the ballot is very hard to see because it's so small," he said. "They have this whole page, and everything is shrunken down to the left-hand side."

Bill O'Brian had misgivings regarding how the voting information on the ballots was configured.

"I think the new machines are going to be a massive mess," he said. "Right now it's fine because you vote Republican and Democrat across one line, and you've got to mark all those little squares. But think about Election Day, with all the additional parties and candidates...the lines are going to wrap around the school."

Robert Hirst's first experience with the new voting machines actually left him worrying if the vote he just cast will even count.

"I like the votes clicking," he said, referring to the previous voting machine's level-pulling mechanism. "I do not trust the electronic things. I've been in electronics for 30 years, and I know how they can be manipulated. It's scary because I don't know if I got what I wanted."

Muller was enthusiastic about voter turnout at her location.

"We've had 45 people vote so far today, and the new machines are functioning very smoothly" she said
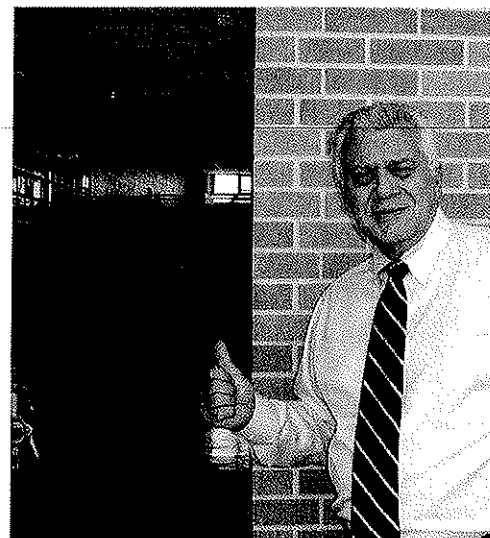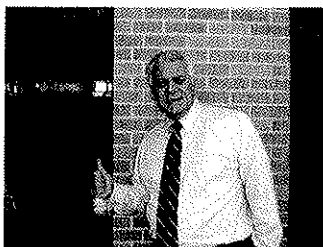
Tuesday morning. "And as you can see, we still have a lot of people here waiting to vote."

A bigger turnout was present at Charles E. Schwarting Elementary in North Massapequa, as they represented a full ten voting districts.

"We've had about 200 people vote here today," said Rosemary Locher. "The only problem we've had with the new voting system is acclimating people to it. People are saying it's pretty easy once we show them how to do it."

Sciglibaglio described voter turnout in the county as "mixed," saying curiosity about the new machines brought extra voters out in some areas, but the usual small turnout for primary elections held in other places.

Oyster Bay Town Supervisor John Venditto paid a visit to Schwarting to see how things were progressing with the new machines.

"It appears that everything is going very well, and people seem quite comfortable with it," he said. "However, having said that, I think the real test is going to come on Election Day, November 2nd, when we'll have a lot more people voting."

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Voting machine glitches haunt primary voting in Broome County

By Steve Reilly •sreilly@gannett.com •
September 14, 2010, 10:45 pm

Technical difficulties were reported at many of Broome County's 190 electronic voting machines during Tuesday's primaries, forcing voters to cast emergency ballots for a few hours until the issue was resolved.

Board of Elections Republican deputy commissioner Karen Davis said that about 11:15 a.m. -- 45 minutes before the polls opened -- election officials learned the magnetic security keys, or "I-buttons," needed to activate the voting machines weren't working.

The county's 11 election custodians were immediately dispatched to turn the machines on, Davis said.

"All the custodians had an I-button for all the machines in their area," she said, "and all of those worked. So they just took all the polling places their I-buttons."

Meanwhile, poll workers instructed voters to cast emergency paper ballots, which were dropped into slots and counted later -- rather than placed into the electronic scanning machines.

Most of the voting machines were operational by 3 p.m., and the emergency system worked "just like it's supposed to," Davis said.

Not every voter was satisfied with the emergency ballot system that was used early in the afternoon.

Tom Vasick cast an emergency ballot in the Town of Maine town hall, where the two voting machines were not running until 3 p.m. He was upset that he couldn't double-check his ballot using the electronic scanner.

"I marked my ballot, proceeded to place it in the machine, and the lady sitting by the machine said 'No, no, no, drop it in the box. The machines aren't operational because they sent us the wrong keys,'"

Vasick said. "Why wouldn't they make sure they were operational before the day that we vote?"

Lawrence MacNary of Sanford said he went to McClure United Methodist Church three times on Tuesday afternoon before he was finally able to cast a vote in the electronic system around 3 p.m.

"This is ridiculous, it's absolutely ridiculous," he said. "It never should have happened."

The new voting machines were introduced in 2008 for disabled voters and used county-wide for the first time in 2009. There were a couple of glitches last year, including a polling location in Johnson City where one machine ran out of paper and another machine didn't have the right security key.

Ellen Keller of Castle Creek said she was turned away from her polling place at 12:30 p.m. because poll workers didn't think they had the correct pens -- felt-tip, rather than ballpoint -- for her to fill out her paper ballot.

"I'm just very frustrated," Keller said. "They have such a low turnout at primaries anyway."

Aleta Kinne, the elections chairperson at Keller's polling location, said no one was turned away.

"This situation in no way compromised the integrity of the election and all votes will be counted," Broome County Executive Barbara J. Fiala said in a statement issued Tuesday afternoon.

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Problems with the new machines were reported across the state, which was the last to implement the new voting system after the Help America Vote Act was passed in 2002.

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New voting machine malfunctions in Lewisboro

Written by Ken Mastro

Tuesday, 14 September 2010 22:08

One of the new voting machines in Lewisboro malfunctioned and the results from that district will likely not be known for days, Town Clerk Kathy Cory told The Ledger tonight.

The voting machine has all of the votes for district 9 in town. The results from the other polling districts in town for the 89th Assembly District Democratic primary and the 40th State Senate District Republican primary will be posted here once tallied. The Ledger will report all local voting results in Thursday's paper.

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News

New voting machines cause few problems in Hudson Valley

By Chris Mckenna
Times Herald-Record
Published: 8:11 PM - 09/14/10
Last updated: 8:12 PM - 09/14/10

New York's new electronic voting machines have made their full-scale debut with relatively few glitches at local polling stations on Tuesday despite reports of malfunctioning machines, ill-prepared staffs and angry voters in New York City.

For the first time, voters in Orange, Ulster and Sullivan counties are marking ballots with felt-tip pens and feeding them into scanning devices, rather than flipping levers in the curtained booths that served the state for decades. Interviews with poll workers and election commissioners suggest the transition has gone smoothly.

"Despite a little nervousness this morning about getting them open, things seem to be going well," said Susan Bahren, an Orange County elections commissioner. "The poll workers were very nervous. It was a new system. They wanted to do it right."

As of 6 p.m., they appeared to have succeeded. Here and there, ballots got stuck in the scanner and had to be pulled out. More commonly, voters mistakenly blackened circles for more than one candidate in a single race and had to vote again. But as of that hour, no problems in Orange County had forced poll workers to result to emergency paper ballots.

Granted, turnout was extremely light, as it often is for primaries. Primary contests on Tuesday included tight races between Republicans Rick Lazio and Carl Paladino for governor, among Republicans for two U.S. Senate seats and among five Democrats jockeying to replace Andrew Cuomo as attorney general.

At the Paramount Theatre in Middletown, only 13 voters had cast ballots as of 2 p.m., eight hours after the polling station opened. At the American Legion Hall on Wawayanda Avenue in the Town of Wallkill, the total had reached 59 by 5:10 p.m. Workers said voters generally seemed prepared for the new machines -- some reminders broadcast during the Monday Night Football broadcast helped spread the word, one pointed out -- and had few complaints other than the small print on the ballots.

"We haven't had any problems here except for a paper jam, and that was a flukey thing," said Ruth Nattras, a poll worker at the Middletown Senior Center.

By late afternoon, voting had generally gone smoothly in Sullivan County, although there were "a few problems" when the polls opened, and in several places, emergency ballots were used until problems were ironed out, said Faith Kaplan, a county elections commissioner.

What may have contributed to the scattered instances of "overvoting" -- when machines kicked back ballots that had more than one candidate chosen for a given race -- was the lack of dark borders between sets of candidates for separate offices. Bahren said she plans to ask the ballot maker to delineate races more clearly on the Nov. 2 general election ballot.

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Voting machines face tough 1st test in NY primary

By SARA KUGLER FRAZIER (AP) – 5 days ago

AP Associated Press

NEW YORK — In New York, the last state to comply with a federal law calling for simpler voting, the switch to a fill-in-the-dot ballot fed into machines had a bumpy start, with scattered reports of delays caused by flustered poll workers and malfunctioning equipment.

Instead of pulling levers — as New Yorkers had done for 80 years — polling sites presented voters Tuesday with the new ballots and two scanners at each polling station. Where the machines worked, voters shrugged and mostly agreed the new system was easy to use. But problems elsewhere caused backups and frustration.

New York Mayor Michael Bloomberg, who did not vote Tuesday because he is not registered with any party, called the reports "disturbing."

"That is a royal screw-up — and it's completely unacceptable," Bloomberg said at City Hall.

He blasted the city Board of Elections for failing to prevent the problems despite more than $77 million in funding from the city to ease the transition.

"There is a total absence of accountability for how the board performs on Election Day because the board is a remnant of the days when Tammany Hall ran New York," the mayor said, referring to the Democratic Party machine that ran city politics for generations before vanishing in the 1960s.

Voting rights advocates have been nervously eyeing primary day as the first test of the electronic system.

The nonpartisan Election Protection Coalition, which monitored the situation with teams of poll watchers and a voter hot line, said it was aware of at least 10 polling sites of the 1,358 citywide where machines broke down or poll workers had trouble setting them up in the morning.

At one site, setup problems delayed its 6 a.m. opening by 2 1/2 hours. And Sen. Charles Schumer's polling site in Brooklyn was also late opening by about 15 minutes, his office said.

The Board of Elections said it had been working to address the voting snags and asked voters to be patient.

One of the problematic polling sites was on Manhattan's Upper West Side, where voter Christian Rojas arrived at 9 a.m., just as one scanner went down. The line of people waiting to scan their ballots was merged with the other line, and the wait was about half an hour, he said.

But the functioning machine also had a problem — its screen was flashing a confusing error message for every ballot scanned, Rojas said.

"It did say 'Your vote has been counted,' so if we're going to take that at face value, our votes were counted," said Rojas, a chemistry professor at Barnard College. "But the system error thing does make you wonder."

The Election Protection Coalition also said it had fielded calls about poll workers apparently unprepared to use the new machines. At the site where Rojas voted, workers stashed ballots in a slot below the broken scanner, ostensibly to be scanned later for people who didn't have time to wait.

State Board of Elections spokesman John Conklin said the reports of problems were at a typical level, no different from what was experienced with the lever machines.

"As far as we're concerned, it's the normal amount for an election day," Conklin said.

Voters who used machines that worked as intended gave mixed reviews of the new system.

"I found it a little confusing," said Nancey Flowers, after voting in Brooklyn. "I liked the older lever mechanism better."

The Help America Vote Act was enacted in response to the contested Florida presidential vote in 2000. It directed states to adopt simpler voting systems to avoid problems like what led to the infamous recount there.

The lever machines violated HAVA guidelines because they were difficult for people with disabilities to use and did not provide a paper trail if the outcome of a vote was disputed.
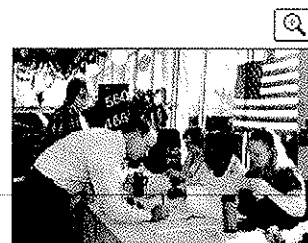
Associated Press writers Jim Fitzgerald and Karen Matthews contributed to this report.

Philip Davi of Brightwaters, N.Y., signs the register to vote in the Republican gubernatorial primary at Newin-Bay Shore Ford on Tuesday, Sept. 14, 2010, in Bay Shore, N.Y. Inspectors working at the polling place are, left to right, Cate Loughran, Denise Flynn, Deanna Watts and Alma Colacrai. (AP Photo/Kathy Kmonicek)

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